

**OVERSIGHT BOARD FOR CITY OF SAN DIEGO
REDEVELOPMENT SUCCESSOR AGENCY
MINUTES FOR
BOARD MEETING
OF
FRIDAY, MAY 11, 2012
AT 9:00 AM
IN THE COMMITTEE ROOM – 12TH FLOOR
202 C STREET, SAN DIEGO, CA 92101**

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COMMUNICATIONS RECEIVED

ADJOURNMENT

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chair Mark Nelson at 9:06a.m. The meeting was adjourned by Chair Mark Nelson at 9:42a.m.

ATTENDANCE DURING THE MEETING:

PRESENT:

Mark Nelson, City of San Diego appointee
Maureen Stapleton, Special District appointee
Dr. Bonnie Ann Dowd, California Community Colleges appointee
Andra Donovan, Esq., County Superintendent of Education appointee

ABSENT:

Peter Q. Davis, County of San Diego appointee
Supervisor Ron Roberts, County of San Diego appointee

CLERK:

Nancy Gudino

ROLL CALL:

- (1) Ron Roberts-absent
- (2) Peter Q. Davis-absent
- (3) Mark Nelson-present
- (4) Maureen Stapleton-present
- (5) Bonnie Ann Dowd-present
- (6) Andra Donovan-present

ITEM DESCRIPTION:

Approval of committee minutes from April 25, 2012 meeting.

BOARD ACTION: Action Time: 9:07 a.m.

MOTION BY MAUREEN STAPLETON TO APPROVE. Second by Andra Donovan.

Passed by the following vote:

Yea: Bonnie Ann Dowd, Andra Donovan, Maureen Stapleton, Mark Nelson

Nay: (None);

Recused: (None);

Not Present: Ron Roberts, Peter Q. Davis.

Non-agenda public comment provided by Katheryn Rhodes

Item 1, Report from the Chair regarding CONSIDERATION OF LEGAL COUNSEL AND ADOPTION OF A RESOLUTION DESIGNATING AN AD HOC SELECTION COMMITTEE AND ESTABLISHING A PROCESS, FOR THE SELECTION OF INDEPENDENT LEGAL COUNSEL TO PROVIDE AS-NEEDED LEGAL SERVICES TO THE OVERSIGHT BOARD

ITEM DESCRIPTION:

Receive a report from the Chair regarding status of the search for legal counsel to the Oversight Board. Adopt a resolution authorizing the creation of an ad hoc selection committee to facilitate the selection of independent legal counsel for the Oversight Board.

STAFF RECOMMENDATION:

Approve proposed action.

SUPPORTING INFORMATION:

On April 25, 2012 the Oversight Board authorized Chair Nelson to work with to identify and contact legal firms that could serve as legal counsel to the Oversight Board on an interim basis. Staff was asked to work with the Chair to identify firms that had redevelopment experience and did not have conflicts with the Successor Agency, the Centre City Development Corporation (CCDC) or the Southeastern Economic Development Corporation (SEDC). Chair Nelson will provide a report to the Oversight Board regarding the results of his discussions.

To address the need to procure ongoing legal counsel for the Oversight Board the Chair requested an action be brought to the Board authorizing the creation of an ad hoc selection committee to work with staff to develop and circulate a Request for Qualifications. The task of the subcommittee would include the creation of a scope of work, required qualifications, and submittal procedures. Additional tasks could include selection of a qualified firm and presentation to the Oversight Board for approval.

Testimony in favor of Item 1 by Robert McNamara

BOARD ACTION: Action Time: 9:19 a.m.

MOTION BY MAUREEN STAPLETON TO ADOPT RESOLUTION FOR A SELECTION COMMITTEE CONSISTING OF BOARD MEMBERS MARK NELSON AND ANDRA DONOVAN. Second by Bonnie Ann Dowd.

Passed by the following vote:

Yea: Bonnie Ann Dowd, Andra Donovan, Maureen Stapleton, Mark Nelson

Nay: (None);

Recused: (None);

Not Present: Ron Roberts, Peter Q. Davis.

ITEM 2 – Report from the Successor Agency regarding COMPLIANCE WITH THE POLITICAL REFORM ACT AND ADOPTION OF A PROPOSED CONFLICT OF INTEREST CODE FOR THE OVERSIGHT BOARD AND AUTHORIZING ITS SUBMISSION TO THE CODE-REVIEWING BODY FOR FINAL APPROVAL

ITEM DESCRIPTION:

Receive a report from the City Attorney regarding compliance with the Political Reform Act and the Fair Political Practices Commission advice letter of April 25, 2012.

Adopt a resolution including the following:

1. Adoption of a Conflict of Interest Code for the Oversight Board (OB Code) consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments adopted by the

FPPC, including Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

2. Submittal of the OB Code to the City Council in its capacity as the code-reviewing body, for review and final approval.
3. Require persons whose positions are designated in the OB Code to file their statements of economic interest with the San Diego City Clerk.
4. Recognize that once the OB Code is approved by the Council the statements of economic interests filed by designated persons will be retained by the San Diego City Clerk and made available for public inspection and reproduction.

STAFF RECOMMENDATION:

Approve proposed action.

SUPPORTING INFORMATION:

On April 25, 2012 the Fair Political Practices Commission issued a letter in response to a request for advice from the League of California Cities. The letter responded to the applicability of the conflict-of-interest code and financial disclosure provisions of the Political Reform Act to new local government agencies and officials holding positions in those agencies created by AB 26.

The creation of Oversight Boards throughout the state, and their operations, varies from jurisdiction to jurisdiction. Some of the provisions of the letter are applicable to this Oversight Board and other sections are not. The letter advises that Oversight Boards must adopt conflict- of-interest codes, and board members must file statements of economic interest.

The Oversight Board is required to adopt a conflict-of-interest code for the Oversight Board and that conflict-of-interest code must be approved by their code reviewing body. Based on the advice in the letter, since the City of San Diego has elected to become the Successor Agency then the City Council is the code reviewing body for the Successor Agency and the Oversight Board. This action adopts a standard conflict-of-interest code and moves that adoption to the City Council for its action as the code reviewing body. Board members are required to file with the San Diego City Clerk as the designated filing officer. Additionally, the FPPC has opined that the jurisdiction of the Successor Agency and the Oversight Board are the same, so filers should make economic interest disclosures consistent with that advice.

BOARD ACTION: Action Time: 9:24 a.m.

MOTION BY ANDRA DONOVAN TO ADOPT. Second by Bonnie Ann Dowd.

Passed by the following vote:

Yea: Bonnie Ann Dowd, Andra Donovan, Maureen Stapleton, Mark Nelson

Nay: (None);

Recused: (None);

Not Present: Ron Roberts, Peter Q. Davis

ITEM 3 – Report from the Oversight Board Contact regarding UPDATE ON DEPARTMENT OF FINANCE CONSIDERATION OF THE RECOGNIZED OBLIGATION PAYMENT SCHEDULES

ITEM DESCRIPTION:

Receive a report from the Oversight Board Contact regarding communications with the Department of Finance associated with the submitted Recognized Obligation Payment Schedules

STAFF RECOMMENDATION:

Accept Report.

SUPPORTING INFORMATION:

April 25, 2012 the Oversight Board considered and approved the Initial Draft Recognized Obligation Payment Schedule (Initial Draft ROPS), Second Recognized Obligation Payment Schedule (Second ROPS), and Third Amended and Restated Enforceable Obligation Payment Schedule (Third EOPS). On May 2, 2012 the Department of Finance notified the Oversight Board Contact that they were requesting a review of one or more Enforceable Obligations contained in the ROPS (Attachment A). The Department of Finance (DOF) has ten calendar days from May 2, 2012 to complete their review.

The Successor Agency staff and Oversight Board Contact have notified the DOF that they are available to provide any additional information necessary to complete the review. It is anticipated that the DOF will provide a response on or before May 12, 2012.

Testimony in favor of Item 3 by Katheryn Rhodes

BOARD ACTION: Action Time: 9:37 a.m.

MOTION BY ANDRA DONOVAN TO ACCEPT REPORT. Second by Bonnie Ann Dowd.

Passed by the following vote:

Yea: Bonnie Ann Dowd, Andra Donovan, Maureen Stapleton, Mark Nelson

Nay: (None);

Recused: (None);

Not Present: Ron Roberts, Peter Q. Davis

ITEM 4 – Report from the Successor Agency regarding ESTABLISHING A SCHEDULE FOR THE DATE, TIME AND LOCATION OF FUTURE PUBLIC MEETINGS OF THE OVERSIGHT BOARD

ITEM DESCRIPTION:

Discuss potential meeting times and locations.

Adopt a resolution establishing a schedule for the date, time and location of future public meetings of the Oversight Board.

STAFF RECOMMENDATION:

Adopt resolution.

SUPPORTING INFORMATION:

On April 25, 2012 the Oversight Board requested staff coordinate with the members to identify dates and times for future meetings. City facilities are generally available some Thursday afternoons, and every Friday morning through the end of June. This action will set a schedule for the next several meetings based upon the availability of the board members and will notify the public of the meetings.

BOARD ACTION: Action Time: 9:42 a.m.

MOTION BY MARK NELSON TO ADOPT RESOLUTION STATING THE FOLLOWING MEETING WILL BE MAY 31st AT 8:30 A.M . AT CITY HALL AND/OR CONCOURSE AND AT THAT MEETING FINAL DETAILS WILL BE PRESENTED FOR OTHER UPCOMING MEETINGS. Second by Andra Donovan.

Passed by the following vote:

Yea: Bonnie Ann Dowd, Andra Donovan, Maureen Stapleton, Mark Nelson

Nay: (None);

Recused: (None);

Not Present: Ron Roberts, Peter Q. Davis

ADJOURNMENT:

The meeting was adjourned by Chair Mark Nelson at 9:43 a.m.